IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT APPEAL NO : 1228 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 21/06/2005 in WVMP No.1495 of 2005 in WPMP No : 14933 OF 2005 in W.P. No.11700 of 2005 on the file of the High Court.)

Between:

1 Koya Rama Krishna Rao, S/o. K.Brahmanandam,
R/o.Swathi Stone Crushers, H.No.7-1-64, Godown Road, Nizamabad-503 001,

Nizamabad District.
2 Smt.Anasuya , W/o.Narahari,.
R/o.1-11-11, Phulong, Nizamabad, Nizambad District.
3 Chinta Anantham, S/o.Maruthi,
R/o.1-11-10, Phulong, Nizamabad, Nizamabad district.

..... APPELLANT(S)

AND

1 The General Manager, South Central Railway, Construction Dept, Rail Nilayam, Secunderabad.
2 The Chief Engineer (Works), Nizamabad Division, South Central Railway, Railnilyam, Secunderabad.
3 The District Collector, Nizamabad, Nizambad District.
4 The Mandal Revenue Officer, Nizambad Mandal, Nizamabad District.
5 A.P.State Ware Housing Corporation, Warehouse Sadan, Gandhi Bhavan, Nampally,
Hyderabad-500 001.
6 Satya Sri Rambabu, S/o.Chitti Babu,
R/o.Private Investors Godown, Sastrinagar, Near Janakampet Railway Station, Sarngpur, Nizamabad.

.....RESPONDENT(S)

Counsel for the Appellant:MR.Karumanchi Venkateswarlu

Counsel for the Respondent Nos.1 and 2: MR.R.S.MURTHY

Counsel for the Respondents 3 and 4: G.P. for Revenue

Counsel for the Respondent No.5: Ms. R. Kameswari

Counsel for the Respondent No.6: K. Venu Madhav

The Court at the admission stage made the following :

ORAL JUDGMENT: (per the Hon'ble Sri Bilal Nazki, ACJ)

Vacate stay petition was allowed by the learned single judge. By the impugned order, the learned single judge found that Civil Suits were pending between the parties over the same subject matter, being Civil Suits, O.S. Nos.148 of 2005 and 149 of 2005, before the Junior Civil Judge, Nizamabad and therefore the learned single judge vacated the stay. The appellants who were the respondents in the vacate stay petition also did not appear before the learned single judge when the application for vacating the stay was taken up.

In these circumstances, we do not find any ground to interfere with the order of the learned single judge.

The writ appeal is accordingly dismissed. No costs.

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BILAL NAZKI, ACJ

DATE: 30th June, 2005

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K.C. BHANU,J

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To

1 The General Manager, South Central Railway, Construction Dept, Rail Nilayam, Secunderabad.
2 The Chief Engineer (Works), Nizamabad Division, South Central Railway, Railnilyam, Secunderabad.
3 The District Collector, Nizamabad, Nizambad District.
4 The Mandal Revenue Officer, Nizambad Mandal, Nizamabad District.
5 A.P. State Ware Housing Corporation, Warehouse Sadan, Gandhi Bhavan, Nampally, Hyderabad-500 001.
6 Two C.Cs. to the Government Pleader for Revenue, High Court Buildings, Hyderabad. (OUT)

7 Two C.D. copies